

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1455

Introduced by Assembly Member **Buchanan Hill**

February 27, 2009

~~An act relating to special education.~~ *An act to add Article 3 (commencing with Section 78040) to Chapter 1 of Part 48 of Division 7 of Title 3 of the Education Code, relating to community colleges.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1455, as amended, **Buchanan Hill**. ~~Special education.~~ *Community colleges: baccalaureate degrees: pilot program.*

Existing law establishes the California Community Colleges under the administration of the Board of Governors of the California Community Colleges. Existing law authorizes the establishment of community college districts under the administration of community college district governing boards, and authorizes these districts to provide instruction at community college campuses throughout the state.

Under existing law, the primary mission of the California Community Colleges is to offer academic and vocational instruction at the lower division level. Existing law prohibits the California Community Colleges from offering instruction beyond the 2nd year of college.

This bill would require the Board of Governors of the California Community Colleges to establish a pilot program to allow selected community college districts that meet specified qualifications, as provided, to offer a baccalaureate degree.

The bill would require the University of California and the California State University to be offered a right of first refusal to offer the

baccalaureate degree on the community college campus before a community college district would be authorized to participate in the program. The bill would require that the program expire 6 years after the initial offering of a baccalaureate degree unless extended by law. The bill would require the California Community Colleges, the Department of Finance, and the Legislative Analyst's Office to evaluate the program and report to the Legislature and Governor by January 1, 2016.

~~Existing law requires local educational agencies to offer special education, whereby specially designed instruction is offered at no cost to meet the unique needs of individuals with exceptional needs.~~

~~This bill would state the intent of the Legislature to enact legislation to create or modify special education programs or services.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. (a) *The Legislature finds and declares all of the*
- 2 *following:*
- 3 (1) *Since its adoption in 1960, the Master Plan for Higher*
- 4 *Education has served the state exceedingly well, allowing*
- 5 *California to create the largest and most distinguished higher*
- 6 *education system in the nation. A key component of the Master*
- 7 *Plan for Higher Education is the differentiation of mission and*
- 8 *function among the three systems of higher education in the state:*
- 9 *the University of California, the California State University, and*
- 10 *the California Community Colleges.*
- 11 (2) *Until recently, this differentiation of function has allowed*
- 12 *California to provide universal access to postsecondary education*
- 13 *while preserving quality.*
- 14 (3) *Due to current economic realities and a high unemployment*
- 15 *rate in the state, tens of thousands of unemployed or*
- 16 *underemployed Californians are entering or returning to college*
- 17 *to improve job skills or to train for new careers.*
- 18 (4) *Because of enrollment caps imposed by the University of*
- 19 *California and the California State University, thousands of*
- 20 *qualified students have been denied access to a public institution*
- 21 *of higher education where they could pursue a baccalaureate*
- 22 *degree.*

1 (5) *In the rapidly emerging “knowledge economy” of California,*
2 *it is more important than ever before that California have a*
3 *well-educated populace in order for the state to remain competitive*
4 *nationally and internationally. Several recent studies have*
5 *concluded that a college degree is now required for most of the*
6 *highest paying occupations and that, in many areas of the economy,*
7 *the baccalaureate degree is replacing the associate degree as the*
8 *entry level credential for 21st century jobs.*

9 (6) *Community college students who want to transfer to public*
10 *four-year institutions face a number of challenges: universities*
11 *have instituted enrollment caps that limit the number of transfer*
12 *students they will accept; students are place bound and do not*
13 *have the time or money to travel to four-year colleges; students*
14 *are accepted, but do not get the financial aid packages that make*
15 *enrollment possible; a number of four-year programs are impacted*
16 *and students are denied admission or placed on a wait list; each*
17 *four-year college or university has different entrance requirements*
18 *that limit student options for transfer if they are not accepted into*
19 *their first choice university.*

20 (b) *Because of these factors, the State of California is hereby*
21 *making an exception to the differentiation of function in*
22 *baccalaureate education that assigns sole authority among the*
23 *California public higher education segments to the University of*
24 *California and the California State University for awarding*
25 *baccalaureate degrees. This exception to the Master Plan for*
26 *Higher Education recognizes the urgency of meeting critical*
27 *education and workforce demand needs and the distinctive*
28 *strengths and respective missions of the California Community*
29 *Colleges, the California State University, and the University of*
30 *California.*

31 SEC. 2. *Article 3 (commencing with Section 78040) is added*
32 *to Chapter 1 of Part 48 of Division 7 of Title 3 of the Education*
33 *Code, to read:*

34
35 Article 3. *Baccalaureate Degree Pilot Program*
36

37 78040. *Notwithstanding Section 66010.4, the Board of*
38 *Governors of the California Community Colleges shall, subject to*
39 *Section 78042, establish a pilot program to offer baccalaureate*

1 *degrees at community colleges that meet the eligibility*
2 *requirements contained in Section 78041.*

3 *78041. (a) To be eligible for selection in the pilot program, a*
4 *community college district shall meet all of the following criteria:*

5 *(1) The community college campus shall be accredited by the*
6 *Western Association of Schools and Colleges.*

7 *(2) The boundaries of the community college district shall be*
8 *coterminous with the boundaries of the county in which the campus*
9 *offering the baccalaureate degree is located.*

10 *(3) The district shall be coterminous with a county that has no*
11 *campus of the University of California or the California State*
12 *University within its boundaries.*

13 *(4) The district shall present evidence to the board of a*
14 *successful working relationship with either the University of*
15 *California or the California State University through either a*
16 *university center in the district, a jointly administered program*
17 *already in existence, or the shared use of facilities.*

18 *(b) The baccalaureate degree may be offered in different fields*
19 *of study at the discretion of the board, subject to the following*
20 *requirements:*

21 *(1) The district has identified and documented unmet workforce*
22 *needs in the subject area of the degree to be offered.*

23 *(2) The degree program shall not, as determined by the board,*
24 *unnecessarily duplicate similar programs offered by nearby public*
25 *educational institutions.*

26 *(3) The community college district shall demonstrate to the*
27 *satisfaction of the board that it has the expertise, resources, and*
28 *interest to offer a quality baccalaureate degree in the chosen field*
29 *of study.*

30 *(c) The community college districts participating in the pilot*
31 *program may charge a fee for courses in the baccalaureate*
32 *program that is greater than that charged for courses at the*
33 *associate degree level; however, the fee charged may not be greater*
34 *than that charged by the California State University for similar*
35 *baccalaureate programs.*

36 *78042. Before a community college district participating in*
37 *the pilot program may offer a baccalaureate degree, a right of*
38 *first refusal shall be offered to the University of California first,*
39 *and to the California State University second, to offer the*
40 *baccalaureate degree program on the community college campus.*

1 *A community college district may not participate in the pilot*
2 *program unless the University of California and the California*
3 *State University decline to exercise their respective rights of first*
4 *refusal. If the right of first refusal is exercised, the baccalaureate*
5 *degree shall be offered by the university on the community college*
6 *campus in a manner that is mutually agreeable to both the*
7 *community college district and to the public university.*

8 78043. *The pilot program provided for in this article shall*
9 *expire six years after the initial offering of a baccalaureate degree,*
10 *unless otherwise extended by law. The California Community*
11 *Colleges, the Department of Finance, and the Legislative Analyst's*
12 *Office shall jointly conduct an evaluation of the degree programs*
13 *implemented pursuant to this article. The results of the evaluation*
14 *shall be reported, in writing, to the Legislature and Governor, on*
15 *or before January 1, 2016.*

16 ~~SECTION 1. It is the intent of the Legislature to enact~~
17 ~~legislation that would create or modify special education programs~~
18 ~~or services.~~